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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,260	07/11/2003	Herbert Meyerle	S118.12-0001	3921

7590 12/06/2004

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EXAMINER

RICHARDSON, JOHN A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/618,260

**Applicant(s)**

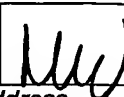
MEYERLE ET AL.

**Examiner**

John Richardson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,6-8,20,21 and 40-45 is/are rejected.
- 7) ☒ Claim(s) 1, 9-19, 22-39, 46-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08-25-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Final Rejection***

1). The applicant's response dated August 25 2004 amending claims 1 – 3, 27, canceling claims 4-5 is acknowledged.

2). The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3). The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4). It is noted that the applicant's new IDS dated August 25 2004 includes items AQ-AS for which there were no translations or abstracts provided, and consequently the examiner performed only cursory review of these references in this Office action.

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5). Claims 20, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 20, 21 recites the limitation "**the armouring**". There is insufficient antecedent basis for this limitation in these claims.

6). Claims 40 – 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are vague, indefinite and incomplete in that it is the examiner's position that this claim is in an improper form of means plus function. Additionally, it is unclear whether they are claiming the combination of claim 1 or merely its intended use.

Claim 40 in the preamble states "**Operating means for a safety device according to claim 1, comprising, coupling means for coupling the operating means to a transmission means –**".

It is suggested that the claim preamble be re-written in a for such as "**Safety device according to claim 1 further comprising an operating means for coupling the operating means to a transmission means –**".

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7). Claims 2, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serrao (U.S. 6,584,718) in view of Waters (U.S. 5,860,241).

The primary reference discloses a firearm locking system (item 10) comprising a locking portion insertable (for example, items 12, 44) into a firearm barrel (item 140) and is optionally lockable and / or unlockable by means of tapered clamps (item 24) as disclosed in open (area 8) and locked (area 9) positions in Figures 6, 7 respectively, a transmission means is disclosed for operating the said locking system as shown for example in Figure 2, a control unit / lock housing (item 86) capable of authentication using a key detail (item 126), an activation means by operation of the said control unit places the locking device in an open / locked configuration (Column 6, lines 15+), relating to claim 6, the primary reference discloses a deactivation of the said activation mechanism (Column 7, lines 40-58).

The primary reference discloses the claimed invention except for citing that the control unit is electronic. The secondary reference, Waters, discloses that it is well known in the gun lock art to provide electronic locking means. It would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the Serrao barrel insert with the waters insert to provide an electronic locking means by use of a solenoid for faster operation that cannot be mechanically picked.

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8). Claims 3, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindley et al (GB2234047A) in view of Waters (U.S. 5,860,241).

The primary reference discloses a weapon locking device (item 1) that is inherently capable of functioning and operating in the manner cited in the applicant's claims, comprising a locking portion / using (item 5) insertable into a firearm cartridge chamber (page 3, 1<sup>st</sup> full paragraph), and is detachable from the said firearm barrel (page 3, 2<sup>nd</sup> paragraph), a means of severance protection mechanism in accordance with the limitations included in claim 48, is provided by an explosive charge feature (item 23) that is connected to the said locking portion and comprises an inclined / tapering region elements (items 17, 21) with an axial force operating through the action of an explosive charge on a piston detail (item 22), and the said axial force results in a clamping action through Belleville washers (items 27), a control unit that authenticates the user by means of a keying system that locks / unlocks the firearm (item 3), relating to claim 7, the said severance protection mechanism consists of a plurality of plate-shaped and inclined elements with graded expansion properties as shown in Figure 1, and described for example on page 5, 1<sup>st</sup> full paragraph, relating to claim 8, the primary reference discloses a range of materials for the said body item 6 as described for example on page 3, last paragraph, and page 4 top paragraph, resulting varying material expansion rates under the action of item 23.

The primary reference discloses the claimed invention except for citing that the control unit is electronic. The secondary reference, Waters, discloses that it is well known in the gun lock art to provide electronic locking means. It would have been obvious to one

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of ordinary skill in the art at the time of the invention to have substituted the Lindley et al barrel insert with the waters insert to provide an electronic locking means by use of a solenoid for faster operation that cannot be mechanically picked.

9). Claims 20, 21, 40-45 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10). Claims 1, 9-19, 22-39, 46-48 are allowed.

11). Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306 4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications can be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <[http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov)>. Should

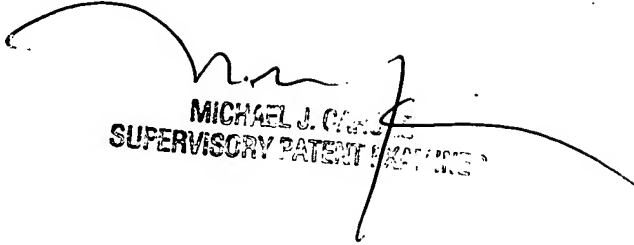


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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Richardson, PE,

November 30 2004

  
MICHAEL J. O'CONNELL  
SUPERVISORY PATENT EXAMINER